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Dated: April 23, 2009

Signature  (Daryl K. Neff)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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| In re application of:<br><b>Joel P. DeSouza et al.</b>  | Date: <b>April 23, 2009</b>  |
| Serial Number: <b>10/604,146</b>  | Examiner: <b>Jack S. J. Chen</b>   |
| Filed: <b>June 27, 2003</b>   | Group Art Unit: <b>2813</b>  |
|   | Conf. No. 1145   |
| Title: <b>SIMOX METHOD OF MAKING A BURIED OXIDE LAYER USING BASE IMPLANT AND ROOM TEMPERATURE IMPLANT</b> | H. Daniel Schnurmann<br>IBM Corporation<br>Dept. 18G, B/321, Zip 482<br>2070 Route 52<br>Hopewell Junction, NY 12533 |

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment dated March 23, 2009, and in accordance with 37 CFR 1.121, applicants address the alleged omission with a statement that claims 31 and 32 continue to read on the elected species.

New claims 31 and 32 read on elected species I.

Applicants do not understand the reason for the notice of non-compliant amendment since applicants already made the statement unequivocally in the amendment filed July 18, 2008, "All of the pending claims continue to be readable on elected Species I (illustrated in Fig. 3)" (p.4).


Reconsideration of the application as amended is respectfully requested in view of the corrected claims section herein, and the remarks provided in the originally filed amendment dated July 18, 2008 and the supplemental amendment dated July 19, 2008 and the response to another notice of non-compliant amendment filed

November 29, 2008.

It is believed that no fees are required in connection with the filing of the present communication. However, if any fee is due in this connection, authorization is granted to debit the Deposit Account No. 09-0458 of the Assignee. If there is an overpayment, please credit the same account.

Respectfully submitted,  
**Joel P. DeSouza et al.**

By:

  
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